REMARKS

This responds to the Office Action mailed on May 21, 2007.

Claims 1-20 are presently pending in this application. There are no amendments made with this Communication.

§102 Rejection of the Claims

Claims 8-19 were rejected under 35 U.S.C. § 102(b) for anticipation by Headings et al. (U.S. 2002/0083006A1). To sustain an anticipation rejection each and every claim limitation must be taught or suggested in the exact detail and identical arrangement in the cited reference.

Fundamentally, Headings is directed to processing that is fundamentally different from what Applicant has claimed. Specifically, independent claims 8 and 15 include limitations in one form or another where the media data is in possession of the recipient before any authentication is requested.

See claim 8 and these limitations: "media stream data structure is streamed to a computing device" the media stream data structure includes the media player logic (which includes the media recipient authentication logic) and the media content. So, the recipient computing device has the media content before any authentication procedure is initiated. Further, it is the media recipient authentication logic within the media player that makes an authentication request ""media authentication logic sends an authentication request to an authentication service over a network."

With respect to claim 15, see the following limitations: "a distribution service for distributing media streams via streaming to recipients, wherein each media stream includes media content and includes a self-installing, self loading, and self-executing media player," "each media player initiates the communication with the authentication service when it self-executes in an environment of a recipient to which it relates." So, a recipient environment is in possession of the media player and the media content before any request for authentication is made. The media stream includes the media content and the media player, and it is just the media player according to the claim language that communicates with the authentication service. Therefore, the media content has to be in the recipient environment before successful

authentication occurs and it is the media player that self-executes that requests authentication of the authentication service, it is not the recipient. The claim states unambiguously that the request for authentication comes from the media player, which was pre-delivered with the media stream and the media stream also included the media content.

The Examiner's attention is directed to paragraph 57 of Headings. Here, it is unambiguous that the media content is not in possession of the consumer or in the consumer's environment until after authentication is successful. Headings intentionally did this for what it believed to be improved security. The consumer never has the media content until a license key is acquired and even then the media content is decrypted on a remote network server associated with the provider and provided to the consumer in a decrypted format.

Moreover, it is clear from the Headings reference that it is the consumer via a manual screen display interface that supplies the licensing key to the licensing server. It is not even remotely suggested that a media player (located in the consumer's environment) supplies that key. So, Headings lacks at least two fundamental teachings: one, the media content is never in possession of the consumer when a licensing key or authentication is needed until the consumer is properly authenticated and two, it is the consumer that requests authentication and even when this does not occur the requesting entity in Headings is not the media player, which is processing and located in the consumer's environment. See paragraphs 56-59 of Headings in support of each of these contentions.

Therefore, Applicant respectfully submits that Headings cannot be said to anticipate the claims and the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

§103 Rejection of the Claims

Claims 1-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Headings et al. in view of Chiu et al. (U.S. 2003/0208678A1). It is of course fundamental that in order to sustain an obviousness rejection each and every claim limitation must be taught or suggested in the proposed combination of references.

Similar to the analysis of claims 8-19 above, Headings fails to show that when authentication is used the consumer is in possession of the media content before an

authentication request is made and fails to show that it is the media player processing in the recipient or consumer environment that makes the initial authentication request in the first instance.

Thus, the rejections with respect to claims 1-5 and 7 should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Headings et al. and Chiu et al. further in view of Capitant (2003/0078891A1). Claim 6 is dependent from independent claim 1; thus, for the remarks presented above with respect to claim 1, the rejection of claim 6 should be withdrawn. Applicant respectfully requests an indication of the same.

Claim 20 was rejected under 35 USC § 103(a) as being unpatentable over Headings et al. and further in view of Capitant. Claim 20 is dependent from independent claim 15; therefore, for the remarks presented above with respect to claim 15, the rejection of claim 20 should be withdrawn. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of August 2007.

KIMBERLY BROWN

Name

Signature